

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and the following remarks, is respectfully requested.

Claims 1-4, 6-18, and 20-31 are pending in this application. By this amendment, Claims 1, 13 and 21 have been amended. Support for these amendments is found, by way of non-limited example, in the specification at page 6, lines 6-20. Accordingly, it is respectfully submitted that no new matter has been added.

In the outstanding Office Action, Claims 1-4, 6, 8-16, 20-25 and 27-31 were rejected under 35 U.S.C. § 102(a) and (e) as anticipated by Capek et al. (U.S. Patent No. 7343312 B2, hereinafter “Capek”); and Claim 7, 17, 18 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Capek.

Independent Claims 1, 13 and 21 have been amended to clarify that heterogeneous resources do not include meeting attendees and meeting locations. Each claim now recites, in part, “heterogeneous resources other than meeting attendees and meeting locations.” This amendment clarifies that heterogeneous resources do not include the monitoring of the availability of meeting location rooms such that a room is reserved for a particular person until a determined number of hours before the scheduled meeting time at which point it becomes available for assignment to anyone as described in the Advisory Action referring to Capek column 9. Thus, for the reasons argued below with regard to Claims 1, 13 and 21 individually, Capek fails to describe the claimed subject matter of Claims 1, 13 and 21.

Independent Claim 1 recites “wherein the availability engine is further operable to: identify resources of the priority list that are unavailable to satisfy meeting constraints due to a schedule use; and monitor the unavailable resources for subsequent availability to satisfy the meeting constraints.” It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Capek.

The Office Action asserts the Capek teaches “identifying resources of the priority list that are unavailable to satisfy meeting constraints due to a schedule use; and monitoring the unavailable resources for subsequent availability to satisfy the meeting constraints (column 7, lines 40-49 - availability is monitored for optimization of the schedule).” Applicant respectfully disagrees.

Capek states “[t]he constraints may include such parameters as meeting duration, earliest date, latest date, mandatory attendees, participant availability, preferred time, preferred location, the meeting must occur by a specified time, last for a determined duration, must occur before a specified event, there is a requirement to schedule a recurring meeting, or that the scheduling request is not negotiable.”<sup>1</sup> That is, contrary to the assertions in the Office Action, Capek fails to describe in column 7, lines 40-49 an availability engine that is operable to identify resources of the priority list that are unavailable to satisfy meeting constraints due to a schedule use, or monitor the unavailable resources for subsequent availability to satisfy the meeting constraints. Therefore, Capek fails to describe the features of Claim 1 quoted above.

Claim 13 recites “limiting access to predetermined heterogeneous resources according to one or more required authorizations.” It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Capek.

The Office Action asserts that Capek teaches “limiting access to predetermined heterogeneous resources according to one or more required authorizations (column 9, lines 60-67 - attendees having weighting factors indicating who is more important to the scheduling process.” Applicant respectfully disagrees.

Capek states “[i]n addition in the process, the attendees may have weighting factors so that the system can determine who is most important in the scheduling optimization process;

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<sup>1</sup> Column 7, lines 41-48.

the meeting locations may have weighting factors so that the system can determine which locations are most important in the scheduling optimization process.”<sup>2</sup> There is no reference in Capek column 9, lines 61-67 elsewhere of limiting access to predetermined heterogeneous resources accordingly to one or more required authorizations as recited in Claim 13. The Office Action appears to recognize this, because the Office Action refers to attendees rather than heterogeneous resources as having weighting factors indicating who is more important to the scheduling process in Capek.

In *Response to Arguments* paragraph 6 the Office Action asserts:

Examiner contends the claims, given the broadest reasonable interpretation, read on scheduling of attendees. This is further supported by Applicant’s own specification page 1, wherein resources are defined as, among other things, “information technology professionals”, in other words, attendees of the scheduled meetings. Examiner upholds previous rejections, asserting that Capek et al does teach the scheduling of heterogeneous resources.

It is respectfully submitted that the language “information technology professionals” quoted above in the Office Action has been quoted out of context and is, therefore, misleading. The specification at page 1, lines 13-19 states:

some examples of the types of resources available include video conferencing resources, audio conferencing resources, network resources, instant messaging sessions, email, application-sharing or “web conferencing” sessions and other bandwidth-intensive activities, building space resources such as conference room, and a variety of other support services like catering support and information technology professionals to coordinate resource scheduling and use.

The above complete quotation makes clear that the types of resources listed do not include meeting attendees. In including reference to “a variety of other support services like catering support and information technology professionals to coordinate resource scheduling and usage” the specification makes clear that certain personnel including catering support and

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<sup>2</sup> Column 9, lines 61-67.

information technology professionals are a resource, not an attendee. Furthermore, neither Claim 1 nor Claim 13 refers to “attendees”. Thus, paragraph 6 of the Office Action includes reference to “information technology professionals” out of context, and misinterprets Claims 1 and 13.

Therefore, the Office Action has failed to make out a *prime facie* case of anticipation because Capek fails to anticipate these claims by teaching every element of the claims as required in M.P.E.P. § 2131.

Claim 21 recites “an access controller interfaced with the availability engine and the resource properties database, the access controller operable to restrict scheduling of one or more resources having limited access properties.” It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Capek.

The Office Action asserts that Capek teaches “an access controller interfaced with the availability engine and the resource properties database, the access controller operable to restrict scheduling of one or more resources having limited access properties (column 4, lines 19-32- resource availability).” Applicant respectfully disagrees.

Capek states “[l]ikewise, variables may be weighted according to the size of the meeting room, the availability of A/V audio/visual equipment (e.g., stereo sound systems or projectors), the acoustical properties of the meeting room, or the cost of the meeting.”<sup>3</sup> Capek adds “weighting variables is dynamic and may change over time, and may be different for different meetings.”<sup>4</sup> Finally Capek states “[t]hus, for some meetings the proximity of the location may be the most important attribute, while for others the availability of a particular piece of equipment in a meeting room may be important.”<sup>5</sup> Capek fails to describe an access controller interfaced with the availability engine and the resource properties database as recited in Claim 21. Capek further fails to describe the access controller operable to restrict

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<sup>3</sup> Column 4, lines 19-23.

<sup>4</sup> Column 4, lines 26-28.

<sup>5</sup> Column 4, lines 28-32.

scheduling of one or more resources having limited access properties as further recited in Claim 21.

In *Response to Arguments* paragraph 8 the Office Action asserts:

Examiner would like to point out that the cited portion of Capek et al (column 4, lines 19-32) and for further explanation, column 3, line 57 through column 4, lines 36, describes a collection of variables to schedule a meeting. The scheduling of the variables includes accessing data regarding the variables (see column 6, lines 34-38 - schedule database and resource database), constraints to the variables and availability of the variables.

It is respectfully submitted that the above referenced portions of Capek refers to general weighted variables that apply to all resources, that the variables are dynamic and may change over time, and that the variables may be different for different meetings. There is no description in Capek of one or more resources having limited access properties. That is Capek does not differentiate one or more resources that have limited access properties from other resources.

It is respectfully submitted that dependent Claims 2-4, 6-12, 14-18, 20 and 22 to 31 are patentable at least for the reasons argued above with regard to the claims from which they depend.

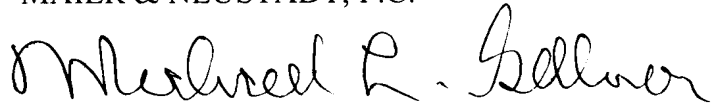
Accordingly, it is respectfully requested that the rejections of Claims 1-4, 6-18, and 20 to 31 be reconsidered and withdrawn, and that Claims 1-4, 6-18 and 20-31 be found allowable.

Consequently, for the reasons discussed in detail above no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, reading "Michael L. Gellner". The signature is written in a cursive style with a horizontal line underneath it.

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Michael L. Gellner  
Registration No. 27,256